



# City of San Antonio

## Legislation Details (With Text)

**File #:** 17-3018  
**Type:** Zoning Case  
**In control:** Board of Adjustment  
**On agenda:** 5/1/2017  
**Title:** A-17-091: A request by Rufina Carreno for a three foot variance from the five side setback to allow a home addition two feet from the side property line, located at 1021 Keats Street. Staff recommends Approval. (Council District 5)  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. A-17-091 Attachments

Date	Ver.	Action By	Action	Result
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**Case Number:** A-17-091  
**Applicant:** Rufina Carreno  
**Owner:** Rufina Carreno  
**Council District:** 5  
**Location:** 1021 Keats Street  
**Legal:** Lot 15, Block 11, NCB 8961  
**Description:**  
**Zoning:** "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District  
**Case Manager:** Shepard Beamon, Senior Planner

### Request

A request for a three (3) foot variance from the five (5) foot side setback, as described in Table 35-310, to allow a home addition two (2) feet from the side property line.

### Executive Summary

The applicant wishes to attach a 150 square foot addition to front of the home. The applicant chose this location, as it is the most useful area to expand their dining area. The current home sits about two feet from the side property line, encroaching in the side setback. The addition will be in-line with the existing home, thus the request for the variance.

### Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

### Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
South	"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
East	"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling
West	"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District	Single-Family Dwelling

### Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Nogalitos/South Zarzamora Community Plan and is currently designated Low Density Residential under the future land use. The subject property is not located within the boundaries of a registered neighborhood association.

### Criteria for Review

According to Section 35-482(e) of the UDC, in order for a variance to be granted, the applicant must demonstrate all of the following:

1. *The variance is not contrary to the public interest.*

**The public interest is defined as the general health, safety, and welfare of the public. In this case, the public interest is represented by the side setbacks to ensure that the neighboring property is not negatively impacted by inadequate separation. As the home was built in 1946 and has been in the existing configuration since construction, it is highly unlikely the front addition's encroachment into the side setback will create in additional safety issues. Additionally, the home will meet the required 10 foot front setback.**

2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*

**The enforcement of the ordinance would result in the owner of the property relocating the addition elsewhere on the property, reconfiguring the site plan and making it difficult to have a functional home.**

3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*

**The intent of a side setback is to eliminate overcrowding and ununiformed development of lots. The two foot setback does provide adequate room for maintenance of the home without trespass and does not overcrowd the property, thus substantial justice will be done and the spirit of the ordinance will be observed. Also, the addition will provide a 10 foot setback in the front as required in the "R-5" zoning district.**

4. *The variance will not authorize the operation of a use other than those uses specifically authorized in the district in which the request for a variance is located.*

**The variance will not authorize the operation of a use other than those uses specifically authorized in the "R-5 AHOD" Residential Single-Family Airport Hazard Overlay District.**

5. *Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.*

**Many properties within the district have less than the required five foot side setback. The request will not extend past the existing home and will not be out of character of the neighborhood. Additionally, there are at least 10 feet of separation between the proposed addition and the neighboring home, reducing the risk of fire spread.**

6. *The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.*

**The unique circumstance is the configuration of the lot. In order to construct an addition that is aligned with, and best matches the appearance of, the existing home, there will need to be an encroachment into the side setback.**

#### **Alternative to Applicant's Request**

Denial of the variance request would result in the owner having to meet the five foot side setback.

#### **Staff Recommendation**

Staff recommends **APPROVAL** of the requested side setback variance in **A-17-091**, based on the following findings of fact:

1. The addition would still provide a two foot side setback, which is adequate room to maintain the property;
2. The granting of the variance is unlikely to injure the adjacent property as the neighboring home is at least 10 feet away from the subject property's home;
3. The requested side setback is in keeping with the character of the district as many homes have a reduced side setback.